

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, MAY 25, 1999
AT 9:00 A.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

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CHRONOLOGY OF THE MEETING:

The meeting was called to order by Deputy Mayor Wear at 10:12 a.m. The meeting was recessed by Deputy Mayor Wear at 10:33 a.m. to convene the Housing Authority and the Redevelopment Agency thereafter. The regular meeting was reconvened by Deputy Mayor Wear at 10:38 a.m with Mayor Golding and Council Member Stallings not present. The meeting was adjourned by Deputy Mayor Wear at 11:16 a.m. to reconvene the Housing Authority and the Redevelopment Agency thereafter.

ATTENDANCE DURING THE MEETING:

(M) Mayor Golding-excused by R-291787 (Other official City business)

(1) Council Member Mathis-present

(2) Council Member Wear-present

(3) Council Member Kehoe-present

(4) Council Member Stevens-present

(5) Council Member Warden-present

(6) Council Member Stallings-excused by R-291749 (Attend APTAs
Commuter Rail/Rapid Transit Conference in Toronto, Ontario)

(7) Council Member McCarty-present

(8) Council Member Vargas-present

Clerk-Abdelnour (lw)

FILE LOCATION: MINUTES

ITEM-300: ROLL CALL

Clerk Abdelnour called the roll:

- (M) Mayor Golding-not present
- (1) Council Member Mathis-present
- (2) Council Member Wear-present
- (3) Council Member Kehoe-not present
- (4) Council Member Stevens-not present
- (5) Council Member Warden-present
- (6) Council Member Stallings-not present
- (7) Council Member McCarty-present
- (8) Council Member Vargas-present

NON-AGENDA COMMENT:

**PUBLIC COMMENT-1: REFERRED TO THE CITY MANAGER AND THE
CITY ATTORNEY**

Jean Cheng, commenting on the boardwalk expansion, stated that she as well as 16 other property owners received a notice of violation in February and a demand to remove the wall by March 12, 1999. She stated a letter was written to Mayor Golding urging temporary delay because none of the affected property owners had received anything regarding specifications and guidelines on how to proceed. Instead, they received a misdemeanor citation from the City Attorney's Office. Ms. Cheng requested the City Attorney and City Manager look into this matter.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A010-036.)

COUNCIL COMMENT:

None.

ITEM-310: Centre Court Apartments:

Request by John F. Graybill for a hearing of an appeal from the decision of the Planning Commission in approving Mid-City Development Permit No. 98-0170 which would allow the demolition of five rental units and the development of 35 apartment units, provide underground parking and associated site landscaping.

(Case-98-0170. Uptown Community Area. District-3.)

TODAY'S ACTION IS: **REQUEST GRANTED, HEARING TO BE HELD ON
JUNE 22, 1999, AT 10:00 A.M.**

A motion either granting or denying the request for a hearing of the appeal.

NOTE: Pursuant to the requirements of the San Diego Municipal Code, no oral presentations shall be made to the Council by either the proponents or opponents of the project.

If the request to allow an appeal is granted, time has been reserved for the project to be heard on June 22, 1999 at 10:00 a.m.

SUPPORTING INFORMATION:

The project proposes demolition of five rental units and construction of 35 apartment units within a four-story building, located at 3974-3992 Centre Street. The site consists of six contiguous 3,500 square-foot (25 x 140') legal lots comprising a total site area of 21,000 sq. ft., within the MR-800 (B) Zone of the Mid-City Communities Planned District. The Municipal Code permits a bonus density for premises containing 15,000 sq. ft. or more. This bonus density allows for the development of one dwelling unit per 600 sq. ft. of lot area (35 units), where one unit per 800 sq. ft. (26 units) would otherwise be allowed. For properties located within the MR-800(B) Zone, a discretionary Mid-City Development Permit is required for development of more than 30 units. Projects within the MR-800(B) Zone which propose 30 units or less, are not subject to discretionary review unless deviations from the Planned District Ordinance are proposed. The Uptown Community Plan designates this area for high-density, multi-family residential development at 44-73 dwelling units per acre (one unit per 597-990 sq. ft. of lot area). Each unit would consist of two bedrooms and two baths. A total of 64 off street parking spaces accessed from the alley, are proposed within an underground parking garage. Of the 64 spaces, 21 spaces would be of standard configuration, 19 compact, and 42 with tandem spaces. Assignment and use of the required off-street parking spaces would be the responsibility of the property owner(s).

This project was approved by the Hearing Officer at a public hearing held on January 27, 1999. This decision was appealed to the Planning Commission by two individuals who spoke in opposition to the project. Issues discussed relate to bulk and scale of the project, traffic impacts, use by residents of the tandem off-street parking spaces and impacts on the availability of existing on-street parking.

FILE LOCATION: PERM-98-0170 (65)

COUNCIL ACTION: (Tape location: A097-146.)

MOTION BY KEHOE TO GRANT THE REQUEST TO HEAR THE APPEAL BECAUSE THERE ARE SOME CITY-WIDE ISSUES THAT THE COUNCIL SHOULD DEAL WITH. Second by Mathis. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-not present, McCarty-nay, Vargas-yea, Mayor Golding-not present.

ITEM-330: Villa Portofino.

Appeals of Wendy Nakamura, Altha Butherus, and Norma Jane Handeland from the decision of the Planning Commission in approving the Tentative Map TM-98-0551 in the Uptown Community Plan area.

(District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution to deny the appeal and grant the map:

(R-2000-173) DENY THE APPEAL AND GRANT THE MAP, ADOPTED AS
RESOLUTION R-291681

Adoption of a Resolution granting or denying the appeal and granting or denying the map, with appropriate findings to support Council action.

CITY MANAGER SUPPORTING INFORMATION:

The subject property is comprised of four existing legal lots located at 4068-4092 Front Street. These lots are adjacent and are located on the west side of Front Street, south of Lewis Street. They are zoned MR-800B within the Mid-City Communities Planned District of the Uptown Community Planning area. The property totals 0.48 acres. Approval of the one-lot consolidation Tentative Map (Process 4) is required by the State of California Subdivision Map Act to designate the lot as a condominium site in order to permit the owners to individually sell the 30 previously-approved residential dwelling units as condominiums.

LEGAL DESCRIPTION:

The subject property is located at 4068-92 Front Street and is more particularly described as Lots 28, 29, 30 and 31, Block 2, Florence Heights Addition, Map 892 in the Uptown Community.

FILE LOCATION: PERM-98-0551 (65)

COUNCIL ACTION: (Tape location: A475-B132.)

Hearing began at 10:47 a.m. and halted at 11:04 a.m.

Testimony in favor by Paul Robinson, Wendy Nakamura, and Altha Butherus.

MOTION BY KEHOE TO DENY THE APPEAL AND APPROVE THE TENTATIVE MAP. Second by McCarty. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-not present, McCarty-yea, Vargas-yea, Mayor Golding-not present.

ITEM-331: Sharp Rees-Stealy Rancho Bernardo Health Care Facility.

Matter of the appeal of Richard A. Belzer, Chairman of the Rancho Bernardo Community Planning Board, and Donald F. Buckley, Chief Executive Officer of GP Batteries USA, from the decision of the Planning Commission in approving a Conditional Use Permit, Resource Protection Ordinance Permit, Lot Line Adjustment, and amendment to an existing Manufacturing Industrial Park (M-IP) Permit to develop a 55,000 square-foot, two-story medical healthcare facility. The project site is located on a 7.7 acre parcel at 16950-16966 Via Tazon, between west Bernardo Court and Rancho Bernardo Road.

(Case-98-0461. Rancho Bernardo Community Planning Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution in Subitem-A, and adopt the resolution in Subitem-B to deny the appeal and grant the permits:

Subitem-A: (R-99-1441) ADOPTED AS RESOLUTION R-291682

Adoption of a Resolution certifying that the information contained in Environmental Mitigated Negative Declaration LDR-98-0461 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said declaration has been reviewed and considered by the Council and adopting appropriate findings of mitigation, feasibility or project alternatives and statement of overriding considerations pursuant to California Public Resources Code Section 21081.

Subitem-B: (R-99-1442) DENY THE APPEAL AND GRANT PERMITS,
ADOPTED AS RESOLUTION R-291683

Adoption of a Resolution approving or denying the appeal and granting or denying the permits, with appropriate findings to support Council action.

SUPPORTING INFORMATION:

The project proposes to construct a 55,000-square-foot, two-story, medical healthcare facility. A lot line adjustment is proposed to transfer 0.65-acre from lot 11 to lot 9. The 7.69-acre site is zoned M-IP and located at 16950-16966 Via Tazon., between West Bernardo Court and Rancho Bernardo Road in the Rancho Bernardo Community Planning Area.

The medical facility would provide healthcare during the daytime hours, with urgent care open seven days a week. No overnight patients are proposed. A total of 300 standard-sized parking spaces would be provided, accessed from a driveway from the Via Tazon cul-de-sac.

LEGAL DESCRIPTION:

The 7.69 acre site is located at 16950 to 16966 Via Tazon, between West Bernardo Court and Rancho Bernardo Road, in the M-IP Zone of the Rancho Bernardo Community Planning Area. The project site is legally described as lot 9, Bernardo Industrial Park North, Map-9570, City of San Diego, State of California, and a portion of Lot 11.

FILE LOCATION: Subitems A,B: PERM-98-0461 (65)

COUNCIL ACTION: (Tape location: B136-285.)

Hearing began at 11:05 a.m. and halted at 11:15 a.m.

Testimony in opposition by Howard Schuss.

Testimony in favor by Erich Lathers and Angela Reed.

MOTION BY WARDEN TO APPROVE THE MANAGER'S REPORT TO ADOPT THE RESOLUTION IN SUBITEM A AND DENY THE APPEAL AND GRANT THE PERMITS IN SUBITEM B. Second by Stevens. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-not present, McCarty-yea, Vargas-yea, Mayor Golding-not present.

ITEM-332: Issuance of Multifamily Housing Revenue Bonds for Foxwood Apartments.

(See Housing Commission Report HCR-99-035. District-8.)

SAN DIEGO HOUSING COMMISSION'S RECOMMENDATION:

Adopt the following resolution:

(R-99-1293) ADOPTED AS RESOLUTION R-291684

Approving the issuance of Multifamily Housing Revenue Bonds by the California Statewide Communities Development Authority for financing a 130 multifamily rental units for the Foxwood Apartments, located at 4260 Palm Avenue, San Diego.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A147-271.)

Hearing began at 10:25 a.m. and halted at 10:33 a.m.

CONSENT MOTION BY MATHIS TO ADOPT. Second by Vargas. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-not present, McCarty-yea, Vargas-yea, Mayor Golding-not present.

ITEM-333: Issuance of Bonds by the San Diego Housing Authority for the Creekside Villa Apartments Project.

(See Housing Commission Report HCR-99-052 and Supplemental Report HAR-99-017. District-4.)

SAN DIEGO HOUSING COMMISSION'S RECOMMENDATION:

Adopt the following resolution:

(R-99-1294) ADOPTED AS RESOLUTION R-291685

Approving the issuance of Bonds by the San Diego Housing Authority for refinancing 144 multifamily rental units for the Creekside Villa Apartments Project, located at 4685 Nogal Street, pursuant to Section 147(f) of the Internal Revenue Code of 1986.

NOTE: See the Housing Authority Agenda of 5/25/99 for a companion item.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A147-271.)

Hearing began at 10:25 a.m. and halted at 10:33 a.m.

CONSENT MOTION BY MATHIS TO ADOPT. Second by Vargas. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-not present, McCarty-yea, Vargas-yea, Mayor Golding-not present.

ITEM-334: City-County Reinvestment Task Force on Lender Performance.

(See Housing Commission Report HCR-99-033.)

SAN DIEGO HOUSING COMMISSION'S RECOMMENDATION:

Adopt the following resolution:

(R-99-1092) ADOPTED AS RESOLUTION R-291686

Accepting the City-County Reinvestment Task Force's Lender Performance report, as described in Housing Commission Report HCR-99-033, pursuant to the City's Community Reinvestment Master Plan (Council Policy 900-9).

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A147-271.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Vargas. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-not present, McCarty-yea, Vargas-yea, Mayor Golding-not present.

ITEM-335: Approving a Second Amendment to the Agency Loan and Housing Development Agreement with Carter Reese LLC #4 - Village at Euclid.

(See Southeastern Economic Development Corporation Report SEDC-99-005.)

SOUTHEASTERN ECONOMIC DEVELOPMENT CORPORATION'S RECOMMENDATION:

Adopt the following resolution:

(R-99-1320) ADOPTED AS RESOLUTION R-291687

Determining that the use of funds from the Mount Hope, Southcrest, and Gateway Center West Redevelopment Projects' Low and Moderate Income Housing Funds for the public improvements related to the Village at Euclid Housing Development pursuant to an Agency Loan and Housing Development Agreement with Carter Reese and Associates in the Central Imperial Redevelopment Project Area will be of benefit to the Mount Hope, Southcrest, and Gateway Center West Redevelopment Projects; and making certain findings with respect to the payments for the public improvements for the development.

Aud. Cert. 9901180.

NOTE: See the Redevelopment Agency Agenda of 5/25/99 for a companion item.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A147-271.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Vargas. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-not present, McCarty-yea, Vargas-yea, Mayor Golding-not present.

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Deputy Mayor Wear at 11:16 a.m.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: B285).